Applicants have rewritten dependent claims 3, 20, 23 and 36 in independent form. Claims 1, 18 and 35 have been amended to better define the invention. New claims 65-70 are presented for consideration. Favorable reconsideration of the pending claims is respectfully requested.

Applicants note that the Examiner has indicated that claims 3, 20, 23, 24, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, as noted above, Applicants have amended these claims to overcome this objection and it is believed that these claims are now in a condition for allowance.

Claims 1, 2, 4, 5, 8, 9, 13, 16-19, 21, 22, 25, 26, 30, 31, 33-35, 40, 41, 43 and 44 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,549,635 to Solar (the "Solar patent"). The Solar patent shows a catheter assembly for delivering an endoprosthesis which includes proximal and distal end portions (34), an expandable member (38) associated with the distal end portion, an endoprosthesis (10) disposed on the expandable member and a sheath disposed on the catheter and over the ends of the endoprosthesis. The Solar patent fails to disclose a sheath configured to rupture during expansion of the expandable member and to retract to expose the endoprosthesis, as is now recited in the claims at issue. As indicated above, claims 1, 18 and 35 had been amended by Applicants and include the recitation in claims 1 and 35 that the sheath is configured to rupture during inflation of the expandable member (the balloon) and

retracts after rupturing to expose the endoprosthesis. Claim 18 has been amended to include the recitation that the means for retaining the endoprosthesis is configured to detach from the means for delivering when inflation fluid is introduced into the means for expanding and to retract as well in order to expose the endoprosthesis. The restraining sheath (40) used in the Solar patent merely tears, as shown in FIG. 4c, and does not retract away from the endoprosthesis in order to fully expose the endoprosthesis. Accordingly, the structures defined in the claims at issue are not disclosed in the Solar patent. Applicants respectfully requests the Examiner to withdraw the Solar patent as an anticipatory reference.

Claims 11, 28 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Solar patent. Claims 14, 15, 32 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Solar patent in view of U.S. Patent No. 6,302, 875 to Makower, et al. (the "Makower patent"). As addressed above, with regard to the discussion relating to claims 1, 18 and 35, the Solar patent fails disclose a restraining sheath designed to rupture and retract away from the endoprosthesis to expose the endoprosthesis for implantation within the body vessel. As such, these claims rejected under 35 U.S.C. §103(a) would not have been obvious in view of either the Solar patent taken alone or the Solar patent in combination with the Makower patent. The Makower patent fails to disclose the particular structure lacking in the Solar patent and its combination with the Solar patent fails to achieve the structure recited in the claims at

issue. Accordingly, Applicants respectfully request the Examiner to withdraw the Section 103(a) rejections.

New claims 65-70 are directed to a catheter assembly which includes a sheath disposed over a catheter and completely covers the endoprosthesis. The sheath is configured to rupture during expansion of the expandable member associated with the catheter assembly. The Solar patent shows a restraining sheath which covers only the outermost ends of the endoprosthesis. The Solar patent fails to disclose an arrangement of a sheath that completely covers the endoprosthesis. Moreover, the invention as defined by claim 66 is not shown in the Solar patent since, as addressed above, the Solar patent does not utilize a restraining sheath which retracts away from the endoprosthesis after rupturing. Accordingly, it is believed that newly presented claims 65-70 are patentably distinct over the prior art of record.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____
Thomas H. Majcher
Registration No. 31,119

THM:mem

Enclosures:
Request for One-Month Extension of Time
Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

"VERSION WITH MARKINGS TO SHOW CHANGES MADE"

IN THE CLAIMS

1. (Amended) A catheter assembly for delivering an endoprosthesis within a body lumen, comprising:

a catheter having a proximal end portion and a distal end portion;

an expandable member associated with the distal end portion of the catheter;

an endoprosthesis disposed on the expandable member; and

a sheath disposed on the catheter and over the endoprosthesis, wherein the sheath is configured to rupture during expansion of the expandable member and retract after rupturing to expose the endoprosthesis.

Please rewrite claim 3 in independent form as follows:

3. (Amended) [The catheter assembly of claim 1,] A catheter assembly for delivering an endoprosthesis within a body lumen, comprising:

a catheter having a proximal end portion and a distal end portion;

an expandable member associated with the distal end portion of the catheter;

an endoprosthesis disposed on the expandable member; and

a sheath disposed on the catheter and over the endoprosthesis, wherein the sheath is configured to rupture during expansion of the expandable member, wherein:

the sheath includes a plurality of circumferential perforations.

18. (Amended) An apparatus for delivering an endoprosthesis within a body lumen, comprising:

an endoprosthesis;

means for delivering the endoprosthesis within a body lumen, the means for delivering having a proximal end portion and a distal end portion;

means for expanding the endoprosthesis, the means for expanding associated with the distal end portion of the means for delivering, wherein the endoprosthesis is disposed on the means for expanding; and

means for retaining the endoprosthesis, the means for retaining being disposed on the means for delivering and over the endoprosthesis, wherein the means for retaining is configured to detach from the means for delivering when inflation fluid is introduced into the means for expanding and retract to expose the endoprosthesis.

Please rewrite claim 20 in independent form as follows:

20. (Amended) [The apparatus of claim 18,] An apparatus for delivering an endoprosthesis within a body lumen, comprising:

an endoprosthesis;

means for delivering the endoprosthesis within a body lumen, the means for delivering having a proximal end portion and a distal end portion;

means for expanding the endoprosthesis, the means for expanding associated with the distal end portion of the means for delivering, wherein the endoprosthesis is disposed on the means for expanding; and

means for retaining the endoprosthesis, the means for retaining being disposed on the means for delivering and over the endoprosthesis, wherein the means for retaining is configured to detach from the means for delivering when inflation fluid is introduced into the means for expanding, wherein:

the means for retaining includes a plurality of circumferential perforations.

Please rewrite claim 23 in independent form as follows:

23. (Amended) [The apparatus of claim 18,] An apparatus for delivering an endoprosthesis within a body lumen, comprising:

an endoprosthesis;

means for delivering the endoprosthesis within a body lumen, the means for delivering having a proximal end portion and a distal end portion;

means for expanding the endoprosthesis, the means for expanding associated with the distal end portion of the means for delivering, wherein the endoprosthesis is disposed on the means for expanding; and

means for retaining the endoprosthesis, the means for retaining being disposed on the means for delivering and over the endoprosthesis, wherein the means for retaining is

configured to detach from the means for delivering when inflation fluid is introduced into the means for expanding, wherein:

the means for retaining has a proximal end secured to the proximal end portion of the means for delivering, and the means for retaining has a distal end secured to the distal end portion of the means for delivering.

35. (Amended) A catheter assembly for delivering a stent within a patient's vasculature, comprising:

a catheter tube having a proximal end portion and a distal end portion;

a balloon formed on the distal end portion of the catheter tube;

a stent having a first end and a second end disposed on the balloon; and

a sheath secured to the distal end portion of the catheter tube, wherein the sheath is stretched over the balloon and over the stent, and wherein the sheath includes a weakened section configured to rupture during inflation of the balloon and is configured to rupture into portions which retract towards the first and second ends of the endoprosthesisprothesis after rupturing to expose the endoprosthesisprothesis.

Please rewrite claim 36 in independent form as follows:

36. (Amended) [The catheter assembly of claim 35,] A catheter assembly for delivering a stent within a patient's vasculature, comprising:

a catheter tube having a proximal end portion and a distal end portion;

a balloon formed on the distal end portion of the catheter tube;

a stent disposed on the balloon; and

a sheath secured to the distal end portion of the catheter tube, wherein the sheath is stretched over the balloon and over the stent, and wherein the sheath includes a weakened section configured to rupture during inflation of the balloon, wherein:

the weakened section comprises a plurality of circumferential perforations.